



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/503,067	02/12/2000	Nicholas R. Dono	YO-999-567	6067

7590

09/30/2002

Ference & Associates
129 Oakhurst Road
Pittsburgh, PA 15215

EXAMINER

CHANG, ERIC

ART UNIT

PAPER NUMBER

2185

DATE MAILED: 09/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

F

Office Action Summary

Application No.

09/503,067

Applicant(s)

DONO ET AL.

Examiner

Eric Chang

Art Unit

2185

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-32 are pending.

Specification

2. The use of the trademarks Intuit, Norton and IBM has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 20-22 and 32 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent 4,589,063 to Shah et al.

5. As to claim 1, Shah discloses a device for being integrated with an operating system comprising:

[a] at least one hardware component [col. 7, lines 28-33];

Art Unit: 2185

[b] at least one description subsystem associated with at least one hardware component [col. 7, lines 34-38]; and

[c] said subsystem facilitates integration of said device with an operating system [col. 7, lines 28-45].

Shah teaches a hardware component that contains a description subsystem that makes available identification information and device drivers in order to facilitate integration with a computer, and the operating system thereon [col. 4, lines 21-25].

6. As to claim 20, Shah discloses a method of integrating a device with an operating system, comprising facilitating integration of said device with an operating system via at least one component associated with the device [col. 7, lines 28-45].

7. As to claim 21, Shah discloses the logic facilitates identification of said device [col. 7, lines 34-38].

8. As to claim 22, Shah discloses the logic facilitates the provision of information to an operating system relating to the version of said device driver [col. 7, lines 56-58].

9. As to claim 32, Shah discloses a device for being integrated with a computer operating system, said device comprising:

[a] a hardware component [col. 7, lines 28-33]; and

[b] a device driver stored on said hardware component [col. 7, lines 28-33].

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2-19, and 23-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,589,063 to Shah et al. in view of U.S. Patent 6,167,567 to Chiles et al.

12. As to claim 2, Shah discloses all of the limitations of the claim, but does not teach logic that interprets commands received over an interface between said device and a computer system.

Chiles teaches an interface that handles communications between a device and a computer system [FIG. 2 element 250, and col. 10, lines 51-65].

At the time that the invention was made, it would have been obvious to a person of ordinary skill in the art to employ the interface as taught by Chiles. One of ordinary skill in the art would have been motivated to do so to specify the logic between a device and a computer.

It would have been obvious to one of ordinary skill in the art to combine the teachings of the cited references because they are both directed to the problem of integrating a device and a computer system. Moreover, the interface means taught by Chiles would improve the utility of Shah because it allowed the computer to send commands to control the device.

13. As to claim 3, Chiles further discloses the device comprises:

Art Unit: 2185

[a] non-volatile memory [FIG. 2 element 45, and col. 3, lines 1-9]; and

[b] interface logic being adapted to control said non-volatile memory [FIG. 2 element 250, and col. 10, lines 51-65].

Chiles teaches that the device contains firmware, which, as is obvious to one of ordinary skill in the art, may be implemented by non-volatile memory, and logic whereby data and software in the firmware may be controlled by interfacing via hardware logic or other software logic.

14. As to claim 4, Shah discloses the logic facilitates identification of said device [col. 7, lines 34-38].

15. As to claim 5, Shah discloses the logic facilitates the provision of information to an operating system relating to the version of said device driver [col. 7, lines 56-58].

16. As to claims 6-12 and 23-30, Shah teaches all of the limitations of the claims, but does not teach the method of updating the identification information and device drivers.

Chiles teaches the method of updating the identification information and device drivers substantially as claimed, wherein the specific limitations of the claims are described below.

At the time that the invention was made, it would have been obvious to a person of ordinary skill in the art to employ the update method as taught by Chiles. One of ordinary skill in the art would have been motivated to do so that the identification information and device drivers stored on the device as taught by Shah can be updated.

Art Unit: 2185

It would have been obvious to one of ordinary skill in the art to combine the teachings of the cited references because they are both directed to the problem of storing device drivers and identification. Moreover, the update means taught by Chiles would improve the flexibility of Shah because it allowed communication with a remote source for updating the firmware of a device.

17. As to claims 6 and 23, Chiles discloses the logic assists an operating system in obtaining a copy of the device driver for installation [col. 3, lines 10-24].

18. As to claims 7 and 24, Chiles discloses the logic provides a network location where a recent version of a device driver is obtainable [col. 12, lines 63-65].

19. As to claims 8 and 25, Chiles discloses the logic facilitates the updating of a network location where a recent version of a device driver is obtainable [col. 31, lines 32-44].

20. As to claims 9 and 26, Chiles discloses the logic facilitates the updating of the device driver information stored on the device [col. 3, lines 10-24].

21. As to claims 10, 27 and 30, Chiles further discloses logic that compares the locally stored device driver with a remotely stored device driver to determine which one is newer [col. 15, lines 61-67 and col. 16, lines 1-5] and to prompt usage of the newer version [col. 16, lines 22-24].

Art Unit: 2185

22. As to claims 11 and 28, Chiles further discloses logic that prompts usage of locally stored device driver if a remotely stored device driver is not accessible [col. 15, lines 1-17]. Chiles teaches that the user is notified and prompted if the connection to the remote device driver fails.

23. As to claims 12 and 29, Chiles further discloses logic that compares said locally stored device driver with a remotely stored device driver at predetermined time intervals [col. 15, lines 5-13 and col. 16, lines 32-43]. Chiles teaches that the logic automatically schedules a date for the next update to the device driver; that is, after the predetermined time interval as scheduled, the process to compare and update device drivers will once again occur.

24. As to claims 13-19, Shah teaches all of the limitations of the claims but does not specifically teach the devices that can use the limitations.

Chiles teaches that device can be a modem, graphics card, or other computer peripheral with software and firmware updates made available by its manufacturer [col. 1, lines 62-67].

At the time that the invention was made, it would have been obvious to a person of ordinary skill in the art to employ the devices as taught by Chiles. One of ordinary skill in the art would have been motivated to do so that the devices are self-descriptive.

It would have been obvious to one of ordinary skill in the art to combine the teachings of the cited references because they are both directed to the problem of device firmware. Moreover, the devices taught by Chiles would improve the utility of Shah because it allowed his teachings to be applied to a variety of applications not disclosed by Shah.

Art Unit: 2185

Furthermore, it would be obvious to one of ordinary skill in the art that such devices could further comprise a printer, a sound card, IDE/SCSI disk controller, or a network controller, substantially as claimed.

25. As to claim 31, Chiles discloses a method of integrating a device with an operating system, comprising facilitating integration of said device with an operating system via at least one component associated with the device [col. 3, lines 10-24]. Chiles also teaches that the method can be embedded directly within a component in the piece of equipment [col. 5, lines 39-44]. Furthermore, Chiles teaches that this method may be implemented as a program of instructions stored in a program storage device [col. 35, lines 1-4], substantially as claimed.

Conclusion

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Chang whose telephone number is (703) 305-4612. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Lee can be reached on (703) 305-9717. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


Application/Control Number: 09/503,067

Page 9

Art Unit: 2185

ec

September 20, 2002



THOMAS LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100